IN THE HIGH COURTOF PUNJAB AND HARYANA, CHANDIGARH.

CWP No. 18163 of 2007
Date of decision: 30.11.2007

The Kharman Chaudhary Coop. Transport Society Ltd.

....Petitioner.

vs.

State Transport Appellate Tribunal Haryana,and others.

..Respondents

CORAM: HON'BLE MR.JUSTI CE J.S.KHEHAR.
HON'BLE MR.JUSTICE SHAM SUNDER.

Present: Mr.H.S.Sawhney, Senior Advocate, with
Mr.B.S.Giri, Advcoate, for the petitioner.

--

J.S.KHEHAR,J. (Oral)

Through the instant writ petition the petitioner has challenged the order passed by the State Transport Appellate Tribunal dated 19.10.2007 (Annexure P6). A perusal of the impugned order would reveal that the same is merely an interim order passed in the appeal preferred by respondent No.3.

The aforesaid interim order is sought to be challenged by the petitioner alleging that the same is in clear violation of the judgment rendered by this Court in Guru Govind Transport Society Ltd. v. State of Haryana and others (CWP No.3328 of 2007 decided on 30.10.2007). It is also the contention of the learned counsel for the petitioner that the State Transport Appellate Tribunal, would not have passed the aforesaid interim order in favour of respondent No.3 had respondent No.3 disclosed to the State Transport Appellate Tribunal that it had approached this Court by filing CWP No.16075 of 2007, which was still pending at the time when the aforesaid interim order was passed on 15.10.2007. The third contention of the learned counsel for the petitioner is that the impugned interim order dated 19.10.2007, cites as an illustration the case of the petitioner which is clearly contrary to record. Last of all, learned counsel for the petitioner states that respondent No.3 misguided the State Transport Appellate Tribunal on the issue of limitation.

Despite the attractive submissions advanced by the learned counsel for the petitioner, it is not understandable why the petitioner could not raise these pleas before State Transport Appellate Tribunal and rather chose to approach this court to impugn an interim order. In response to the aforesaid query, learned counsel for the petitioner vehemently contends that despite being a party concerned with the controversy raised by respondent No.3, the petitioner has not been impleaded in the appeal preferred by respondent No.3 before the State Transport Appellate Tribunal.This plea to our mind is wholly misconceived inasmuch as, an appropriate application could have been filed by the petitioner before the State Transport Appellate Tribunal.

We find no justification in entertaining the instant writ petition at the hands of the petitioner in exercise of our jurisdiction under Article 226 of the Constitution of India so as to impugn an interim order. Liberty is, however, granted to the petitioner, if the petitioner is so advised, to raise these issues in accordance with law before the Appellate Authority.

Dismissed.

Copy of this order be furnished to the learned counsel for the petitioner Dasti on payment of usual charges.

(J.S.Khehar)
Judge

(Sham Sunder)
Judge

November 30, 2007
rk